

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DALLAS PESOLA,

Plaintiffs,

-against-

THE CITY OF NEW YORK, NYPD DEPUTY
INSPECTOR EDWARD WINSKI, NYPD LIEUTENANT
FRANK VIVIANO, Patrol Boro Manhattan South Task
Force, and NYPD Officer DOES 1-7,

Defendants,

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NOTICE OF MOTION

15 cv 1917 (PKC)

PLEASE TAKE NOTICE that upon the Declaration of Andrew Lucas, dated August 21, 2015, the exhibits annexed thereto, the accompanying Memorandum of Law, dated August 21, 2015, and all pleadings and proceedings previously had herein, Defendants City of New York, Inspector Winski, and Lieutenant Viviano, will move before the Honorable P. Kevin Castel, on August 21, 2015, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York for an Order pursuant to Fed. R. Civ. P. 12(b)(6), to dismiss the Complaint against Defendants for Plaintiff's failure to state a claim upon which relief can be granted and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Court's July 17, 2015 order, docket entry [17], any opposition must be filed by September 18, 2015. Reply papers must be filed by October 2, 2015.

Dated: New York, New York
August 21, 2015

ZACHARY CARTER
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By: /s/
Andrew Lucas
Joy Anakhu
Suzanne Aribakan
Assistant Corporation Counsel
Special Federal Litigation Division

TO: The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

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